

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of DISCOVERY CHARTERS,))
INC., as owner of the vessel *CHUBASCO*))
for Exoneration From or Limitation of))
Liability))

Case No. 5:19-cv-2419

Admiralty - Maritime Claim

**~~[PROPOSED]~~ ORDER DIRECTING
ISSUANCE OF NOTICE AND
PUBLICATION THEREOF**

WHEREAS, a complaint is being filed simultaneously with this [Proposed] Order by which Plaintiff-in-Limitation DISCOVERY CHARTERS, INC. (“Plaintiff-in-Limitation”), as owner of the vessel CHUBASCO (“Vessel”), seeks exoneration from or limitation of liability for any losses, injuries, and/or damages occasioned as a result of an incident which occurred aboard the Vessel on or about November 6, 2018, at Fisherman’s Wharf in Monterey, California, and

WHEREAS, the complaint having stated the facts and circumstances upon which said exoneration or limitation is claimed; and

///

///

///

///

1 WHEREAS, it appearing that the claims that may be made against Plaintiff-in-Limitation
2 may be in amounts which will exceed the value of the interest of Plaintiff-in-Limitation in the
3 Vessel for losses, injuries, and/or damages said to have been occasioned or incurred in
4 consequence of the aforesaid voyage; and

5 WHEREAS, the surety for Plaintiff-in-Limitation have given security for damages in
6 costs herein;

7 NOW THEREFORE, on application of Gibson Robb & Lindh LLP, counsel for Plaintiff-
8 in-Limitation, it is hereby:

9 ORDERED that the Clerk of this Court issue a notice forthwith, in the form submitted
10 with this Order, to all persons or entities asserting claims with respect to which the complaint
11 seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk
12 of the Court and serve attorneys for Plaintiff-in-Limitation with a copy thereof ^{no later than} ~~within 30 days of~~
13 ~~July 12, 2019;~~
~~the issuance of the notice;~~

14 AND IT IS FURTHER ORDERED that public notice shall be given by publication
15 thereof in the legal newspaper known as "The Daily Journal," and that such notice shall be
16 published once a week for four consecutive weeks prior to the date affixed herein for filing of
17 claims;

18 AND IT IS FURTHER ORDERED that not later than the date of the second publication
19 of said notice, Plaintiff-in-Limitation shall mail a copy of said notice to every person or concern,
20 if any, known to have made any claim against Plaintiff-in-Limitation as a result of the incident
21 involving the Vessel on or about November 6, 2018;

22 AND IT IS FURTHER ORDERED that the continued prosecution of any and all suits,
23 actions or proceedings which may already have begun against Plaintiff-in-Limitation in any court
24 whatsoever to recover damages arising out of, or occasioned by, or consequent upon the
25 aforesaid November 6, 2018 incident, and institution or prosecution of any suits, actions or legal
26 proceedings of any nature description whatsoever in any court wheresoever, except in this
27 proceeding for exoneration from or limitation of liability, against Plaintiff-in-Limitation, in
28 respect of any claim or claims arising out of the aforesaid voyage on which the Vessel was then


1 engaged, or otherwise subject to limitation proceeding, be and the same are hereby are stayed and
2 restrained;

3 AND IT IS FURTHER ORDERED that a certified copy of this order as a restraining
4 order shall be served by certified mail, return receipt requested, on the person or persons, or
5 entity or entities, to be restrained, or to their respective attorneys or representatives;

6 AND IT IS FURTHER ORDERED that the publication and mailing of copies of the
7 Notice to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and
8 Maritime Claims, Federal Rules of Civil Procedure, shall constitute due notice to all persons
9 asserting claims with respect to which said complaint seeks limitation or exoneration.

10
11 **IT IS SO ORDERED.**

12
13 Dated: May 20, 2019


U.S. District Court Judge
UNITED STATES DISTRICT COURT
Northern District of California